



May 29, 2019

**To: Property Owner within 750';
Interested Parties and
Registered Homeowners Associations**

**RE: Proposed Abandonment of City of Scottsdale Right of Way and General Land Office
(GLO) Easements**

We represent Daniel Marchand and Debbie Gibson, owners of the property located at 28011 N. 78th Street (see attached map of site location). The 2.1 acres property is zoned R1-70 ESL FO (Single Family Residential with Environmentally Sensitive Lands and Foothills Overlay). We are requesting to abandon some right-of-way (ROW) and GLO easements along their west and southern property boundary. Specifically, the request is to abandon:

- 78th Street – The easterly five (5) feet of the City of Scottsdale (City) ROW along the western boundary of 28011 N. 78th Street. The current half street dedication by the property owner is thirty (30) feet wide. The City has indicated to us that a 25' half street is all that is needed for 78th Street. In addition to the 5' strip of ROW abandonment, we are requesting the underlying GLO easement (8' wide) to be abandoned. The result of this request will not alter in anyway the existing alignment and function of 78th Street.
- Antioch Way – The northerly twenty-five (25) feet of Antioch Way along the property's southern boundary. This section of roadway is not currently developed or accessible. This section of roadway is not planned to be improved in the near future. We are also asking to abandon the entire northerly GLO easement (33') along the Antioch alignment.

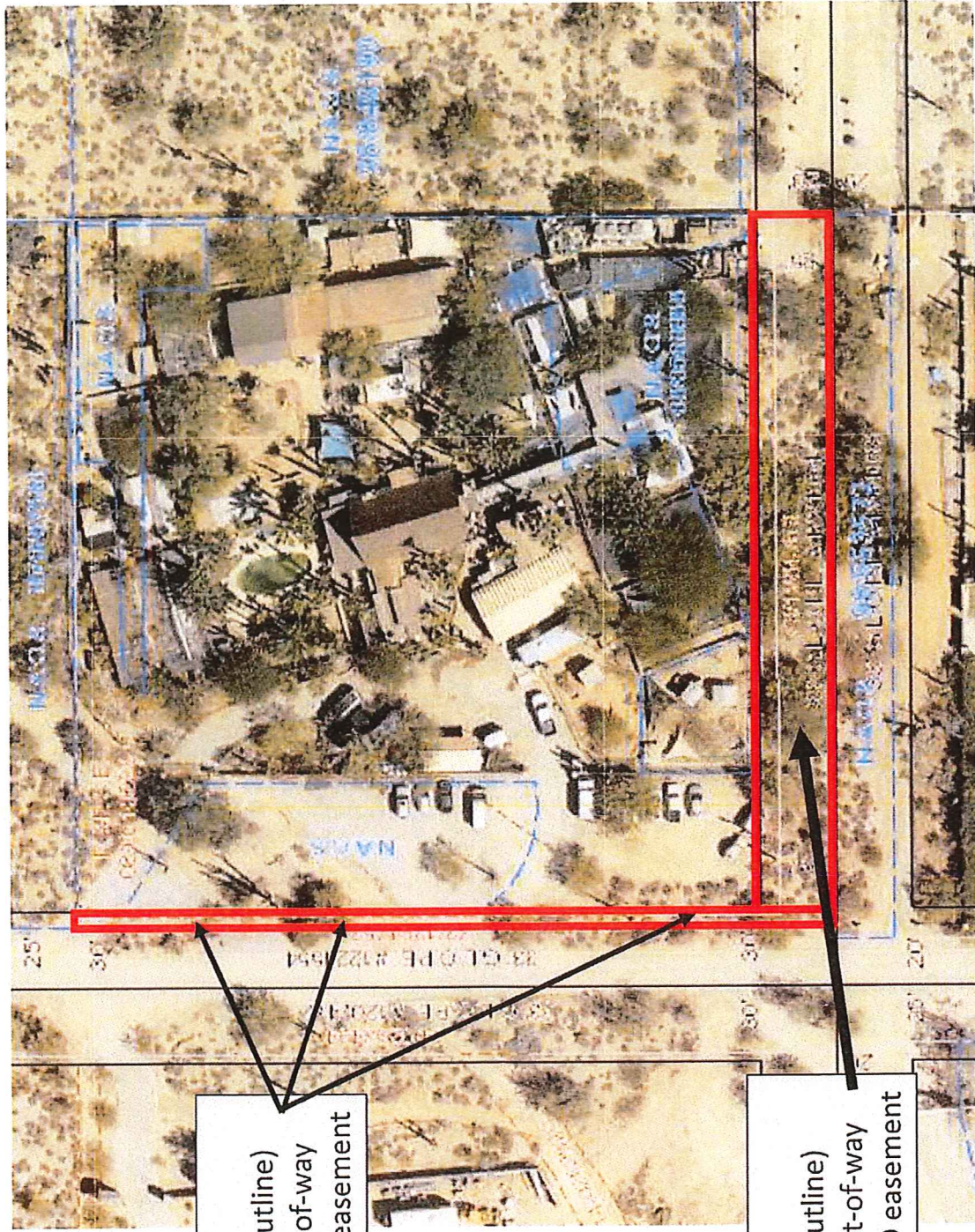
We are required by the City to provide you with a letter notice of our request. We believe the abandonment request is in keeping with the current local residential access into and out of the neighborhood. If approved, there would be no changes to any of the existing streets or connections. Please feel free to contact me with any questions or concerns at (602) 452-2729 or by email at kajones@tblaw.com. You may also contact Jesús Murillo, Senior Planner at City of Scottsdale at (480) 312-7849 or by email at JMurillo@ScottsdaleAz.Gov. Please reference case # 600-PA-2016 when contacting City of Scottsdale.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt Jones', written over a light blue horizontal line.

Kurt A. Jones, AICP

6-AB-2019
6/4/19



78th Street
Abandonment (Outline)
• 5 feet of right-of-way
• 8 feet of GLO easement

Antioch Way
Abandonment (outline)
• 25 feet of right-of-way
• 33 feet of GLO easement



**TIFFANY
& BOSCO**
P.A.

May 29, 2019

**To: Property Owner within 750';
Interested Parties and
Registered Homeowners Associations**

**RE: Proposed Abandonment of City of Scottsdale Right of Way and General Land Office
(GLO) Easements**

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Sincerely,

Kurt A. Jones, AICP

6-AB-2019
6/4/19



Aerial Close-up

6-AB-2019
6/4/19



Aerial

6-AB-2019
6/4/19

EXHIBIT "A"
Legal Description
G.L.O. Easement Abandonment

**Described as follows the South & West 33.00 feet of (the Southwest 1/4,
Northwest 1/4, Northeast 1/4, Northeast 1/4, of Section 35, Township 5 North,
Range 4 East, Gila & Salt River Base Meridian, Maricopa County Arizona,**



Job #16-163 GLO
May 15, 2019
Page 1 of 1

GRAHAM SURVEYING & ENGINEERING INC.
POST OFFICE BOX 1240
CAREFREE, ARIZONA 85377
OFFICE (480) 488-4393
FAX (480) 488-2488

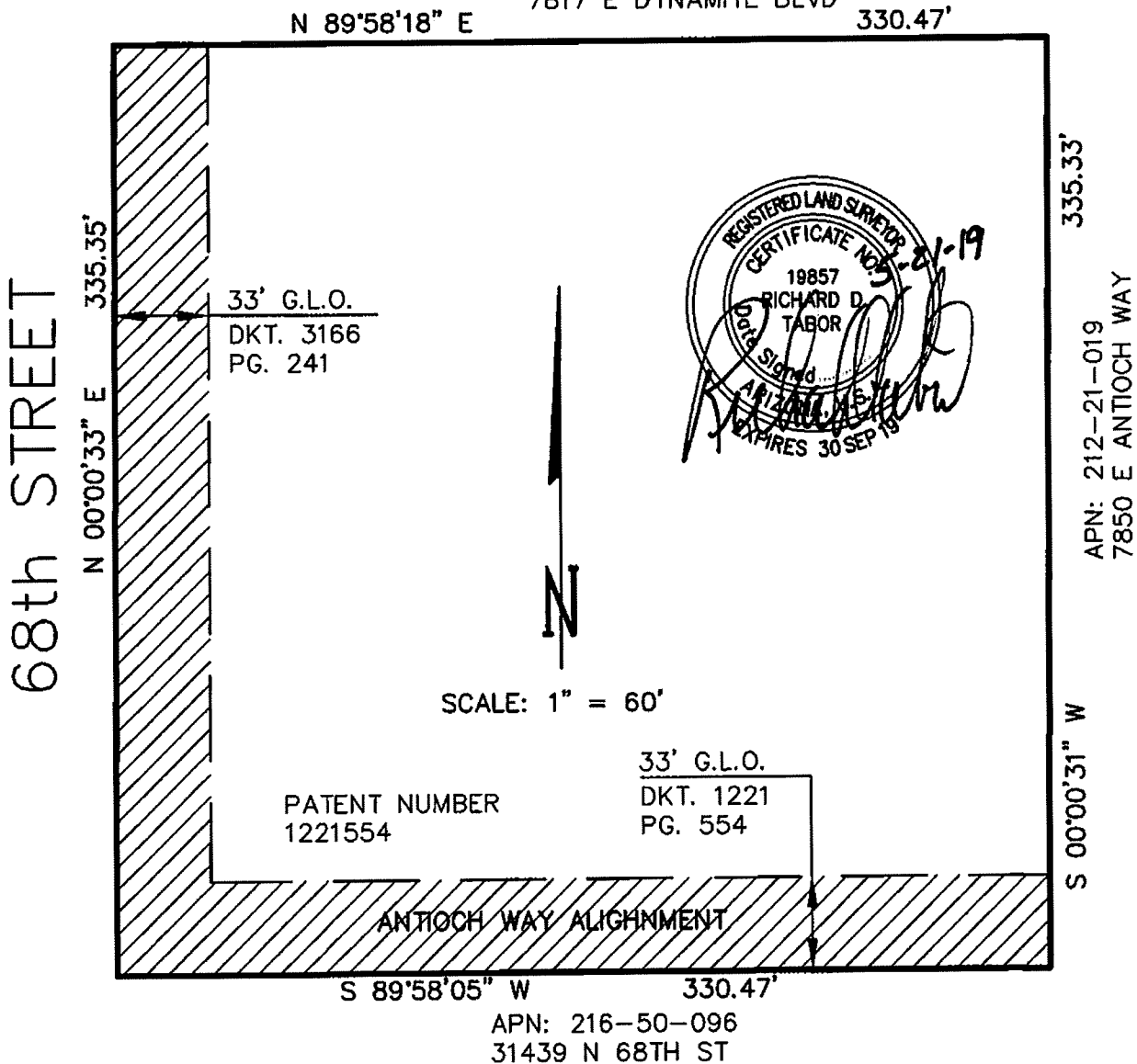
6-AB-2019
6/4/19

EXHIBIT "B"
G.L.O. EASEMENT ABANDONMENT

THE SW 1/4, NW 1/4, NE 1/4, NE 1/4, OF SECTION 35,
TOWNSHIP 5 NORTH, RANGE 4 EAST
EXCEPT THE WEST 30 FT. & THE SOUTH 25 FT. FOR ROADS
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SCOTTSDALE,
MARICOPA COUNTY, ARIZONA.

APN: 212-21-017

7817 E DYNAMITE BLVD



GRAHAM SURVEYING & ENGINEERING INC.
Civil Engineers & Land Surveyors

P.O. BOX 1240, Carefree, Arizona 85377
(480) 488-4393

DATE: 08-08-14

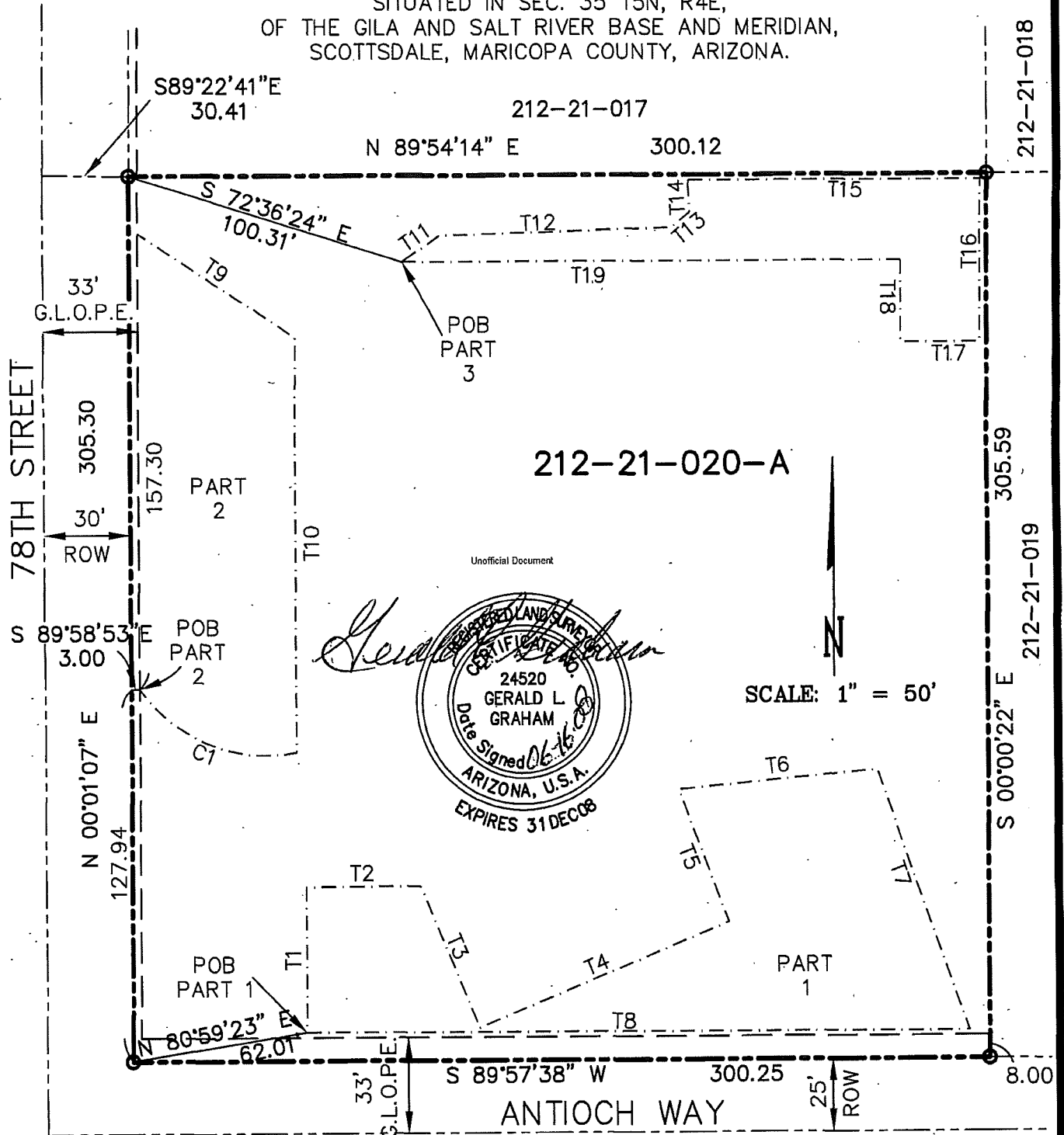
SHT. 1 OF 1

JOB #16-163GLO

EXHIBIT "A"

NATURAL AREA OPEN SPACE

THE SW 1/4, NW 1/4, NE 1/4, NE1/4
EXCEPT THE WEST 30 FT. & THE SOUTH 25 FT. FOR ROADS
SITUATED IN SEC. 35 T5N, R4E,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
SCOTTSDALE, MARICOPA COUNTY, ARIZONA.



Unofficial Document



SCALE: 1" = 50'

GRAHAM ENGINEERING & SURVEYING INC.
Civil Engineers & Land Surveyors
P.O. BOX 1243, Carefree, Arizona 85377
(480) 488-4393

DATE: 06-10-08 JOB #07-231 SHT. 1 OF 2

EXHIBIT "A"

NATURAL AREA OPEN SPACE

THE SW 1/4, NW 1/4, NE 1/4, NE 1/4
EXCEPT THE WEST 30 FT. & THE SOUTH 25 FT. FOR ROADS
SITUATED IN SEC. 35 T5N, R4E,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
SCOTTSDALE, MARICOPA COUNTY, ARIZONA.

TANGENT TABLE		
LINE	BEARING	LENGTH
T1	N00°00'00"E	49.95
T2	N89°41'16"E	40.18
T3	S22°49'59"E	52.87
T4	N67°28'12"E	94.34
T5	N20°56'41"W	48.52
T6	N84°28'29"E	70.11
T7	S19°38'41"E	95.19
T8	N90°00'00"W	232.27
T9	S56°47'20"E	65.52
T10	S00°01'07"W	143.45
T11	N55°31'19"E	16.06
T12	N88°07'41"E	81.12
T13	N50°44'17"E	8.27
T14	N02°56'40"W	11.33
T15	N90°00'00"E	102.18
T16	S00°00'00"E	56.52
T17	N90°00'00"W	27.68
T18	N00°00'22"W	28.53
T19	S89°54'14"W	174.65

CURVE TABLE			
CURVE	RADIUS	CHORD BEARING	LENGTH
C1	54.33	N68°06'05"W	62.47



GRAHAM ENGINEERING & SURVEYING INC.
Civil Engineers & Land Surveyors
P.O. BOX 1243, Carefree, Arizona 85377
(480) 488-4393

DATE: 06-10-08 JOB #07-231 SHT. 2 OF 2



**Phoenix Herpetological Society
Community Buildings and Recreational Facility, Not Publically Owned
Conditional Use Permit Project Narrative
June 25, 2018
Revised October 31, 2018
Revised January 28, 2018**

REQUEST OVERVIEW

The request is to validate the long standing land use at the 2.1 acre property located at 28011 N. 78th Street ("Property"). Debbie Gibson and Daniel Marchand ("Property Owners") live at the residence and are the caretakers of the Phoenix Herpetological Society. The Property is zoned R1-70 Environmentally Sensitive Lands Foothills Overlay ("ESL FO"). The request is to allow the existing privately run herpetological operation ("Request") on the Property function at its current capacity. The Request is not seeking any expansion to the current facility and intends to validate the land use under the allowed Community buildings and recreational facilities not publicly owned within the R1-70 ESL FO zoning.

BACKGROUND/HISTORY

The Marchand family has owned the Property since the mid-1960's when there were no other homes in the area and within unincorporated Maricopa County. The Marchand's started rescuing animals in 1978 with a small reptile rescue. The Phoenix Herpetological Society applied for non-profit status in 1999/2000. After starting the non-profit process, Arizona Fish & Game Department ("AZFGD") approved of the plans for the Property. The Phoenix Herpetological Society had its beginnings in 1983 when the Marchand family began taking in rescue reptiles. The facility started out small as primarily a holding area for these animals. Many of the reptiles were brought to Arizona illegally and confiscated by the authorities. In an effort to not inhumane kill the animals, the Marchand's took the initiative to save the animals and figure out how to move the animals back to their natural environment.

Over the course of the thirty-five years the Property has become the pre-eminent facility for the conservation and preservation of reptiles through education, rehabilitation, rescue and relocation. The Property has accommodated its growth with some additional buildings and outdoor pens. In 2007, the Property Owners built the wall along 78th Street and dedicated the right-of-way. Since 2001, the State of Arizona, Maricopa County and the City officials have used the Property as a training ground for State Game officials, County officials and City police, fire and others? Officials on the safety of handling all types of reptiles. In 2016, the City of Scottsdale contacted the Property Owners with regards to legitimizing the existing land use. The following is a request for a conditional use permit to allow the existing use as is, no expansion proposed.



SURROUNDING USES

The Property is surrounded by very low density single family residential homes and vacant properties. Although 78th Street appears on maps as a through street south of Dynamite Boulevard, there are only five single family homes that have access along 78th Street, south of Dynamite Boulevard. The dirt road ends approximately fifty (50) feet south of the Property into the two (2) residential driveways of the homes just to the south. To access properties further to the south on 78th Street, their access comes from the south off of Oberlin Way. Most of the roads, north and south of Dynamite Boulevard, are unpaved with the natural washes traversing the roads. There are some other business-type land uses operating out of the large lot single family homes including a jeep-tour company, swim school, accountants, designers, and contractors.

REQUEST

As stated above, the Request is for the conditional use permit to continue to operate the herpetological use. The Property is an existing single family residential home with several accessory buildings and outdoor storage pens for various uses to maintain the herpetological function. The Request is to validate the existing site plan with no expansion proposed as part of this application. The last significant improvements on the Property were a covered walkway in the south center of the site to access some additional outdoor pens. This minor expansion occurred in 2012-2013. These minor improvements are not visible from off-site and are mainly open pens and a covered, non-conditioned walkway.

The Property is secured by a perimeter wall with a combination of solid and view fences. The perimeter fences are called field fences and they are heavy reinforced wiring that is entirely different from a chain link fence. The fence is woven smaller openings so as to not allow feet to fit in the fence and restrict climbing. It is a much stronger fence material and does not allow reptiles to penetrate. The Property is well landscaped and maintains a rural character from the roadway and is not unlike a horse property or heavily used private property. The Property Owners have saved countless animals, reptiles and sometimes birds that would have otherwise been killed because of their circumstances. The herpetological society has evolved over time. What started as no-kill holding area for reptiles and other unique animals, the society began educating everyone about all the animals that live in the desert and the one's brought to the facility by government officials.

The Phoenix Herpetological Society ("PHS") is licensed by the United States ("US") Fish and Wildlife Department with a permit that allows for specific species, exportation/importation and other permits. The US Department of Agriculture ("USDA") permits the holding of the reptiles with annual unannounced inspections of the facility to ensure cleanliness of the Property, food handling adheres to regulations and that the facility is escape proof. PHS has never failed an inspection by the USDA. The federal agencies view PHS as a rescue, holding and rehabilitation facility. The permit of record allows PHS to hold and transport reptiles and is one of two (2) organizations with the authority to rescue Gila Monsters in the state. The Phoenix Herpetological Society is currently licensed with both a zoo and



Wildlife Holding license which authorize the housing and display of wildlife species in the state of Arizona. In accordance with state law, PHS holding facilities must comply with Department captivity standards as outlined in Commission Rule R12-4-428 and this facility has been inspected by Department staff and meets the state's standards for wildlife captivity. PHS trains the AZF&GD officers and the Arizona Humane Society employees. Locally, PHS has trained Maricopa County Animal Control, Scottsdale Fire, Scottsdale Police, Phoenix Fire, Chandler Fire and Sun City West Fire departments. Locally, they have assisted in rescues and training with Scottsdale Police, Fire and Utilities. PHS assists US Fish and Wildlife with federal cases as well as state cases with AZF&GD.

This coordination among federal, state, county and city officials is unprecedented. The sheer responsibility and efforts of PHS demonstrates their need for the community and valley. Their efforts have helped save and relocate numerous reptiles back to their native environments. Instead of just rescuing, holding, transferring and managing the reptiles, the PHS mission has grown to include education and training for children to government officials. The numerous licenses and regulatory backing of PHS since the 1990's have demonstrated the Property Owners commitment to protecting the wildlife they save and providing a necessary public service to the community and state.

Safety

Since PHS was established, PHS has operated without any on-property or off-property safety issues. Other than the immediate surrounding residential neighbors, PHS does not advertise their location at the Property. Their contact information is post office box in a commercial center in the City. Individual and school related visits are done by appointment only.

As mentioned previously, the entire property is secure with a perimeter wall. Within the Property, there are further levels of fencing and security for the reptiles. Any reptiles that present a danger to humans are either behind three (3) layers of fencing or within the back building on the property. The layered fencing for larger reptiles has proven to be a secure method for containing the animals and is one set of extra fencing than what is required by the US Fish & Wildlife Department, AZFGD and USDA. As stated above, AZG&FD approves of the fencing, for security and safety purposes. The Property Owners live on the Property and manage the reptiles and their security. The layered fencing, series of locks and location of the outdoor pens do not allow the public to enter the site. PHS does not allow visitors to show up to the Property without an appointment and vetting of the visitor.

The small building, on the east side of the Property, houses the small reptiles. This building has a lock on the doors to the outside. Inside the building, which has a main meeting area where city, county and state officials are trained, has locks on the entrance to the caged area where the reptiles are in separate enclosed containers. The individual containers act as the third layer of security within the building itself. No container has ever been broken within the facility. The remainder of the site is outdoor pens for turtles and other animals that don't require several layers of security, but never less than two (2) layers. These areas can be identified on the site plan as the areas with the small dog house sized sheds. These areas are the least impactful of the entire herpetological operation.



Any visitor, whether a government official training or a school child on a field trip learning of the wildlife, are supervised at all times by PHS employees. PHS employees are Cardio Pulmonary Resuscitation (CPR), animal and reptile handling with many carrying biology degrees. In addition, they are trained in venomous snake handling and native animal identification.

Education/Training

The education component of the operation educates many children (and adults) both in school and at PHS facility each year. Most of the teaching occurs on school trips to the site or PHS visiting schools. The Property Owners are doing their part to help create new generations of desert residents committed to environmental protection of animals. The education side of the operation allows for additional opportunities to teach children who want to become environmental conservationists, veterinarians or biologists. The PHS mission is to find forever homes for all of these animals that come to the facility. Those that are native and can be released back into the wild are done so once cleared as healthy. Again, this application is not to grow the facility, but to grow the minds of the youth and train officials in the handling of these animals.

PHS provides programs that are designed to protect our unique desert environment and the creatures that coexist with us. PHS answers hundreds of emergency calls for assistance and teaches thousands of Valley residents of all ages. We believe education is the key to conservation, so in addition to our rescue and relocation/habitation efforts, they offer:

- Academic and hands-on training for K-12 students on the importance of conservation and coexistence with wildlife;
- Internships covering advanced herpetological studies for college students;
- 24/7 hotline information for local fire and law enforcement agencies;
- Rattlesnake and animal identification hotline for the community;
- Rescue and relocation assistance with native and non-native reptiles for organizations and government agencies including AZF&GD, the Arizona Humane Society, Maricopa County Animal Control, fire departments and law enforcement agencies.

Site Plan

The site plan being proposed for approval with this conditional use permit request has been in place for over six (6) years. The pens (fenced in areas) and the observation platform above the pens on the south central portion of the site were added in approximately 2011. Since then, the PHS facility has maintained a consistent site plan of operation. The site is accessed off of 78th Street south of Dynamite Boulevard. There is no access from the south or west along this short stretch of 78th Street. There is a back access gate off of Antioch Way, which was the old access to the original home. This back access is not utilized for vehicles, other than it is the location of the dumpster for the facility. Again, the main



access is off of 78th Street from Dynamite Boulevard. The 78th Street frontage is utilized for parking along the front perimeter wall which is setback 60 feet from 78th Street and approximately 90 feet from the actual dirt road. This setback provides for adequate parking and facility setbacks from the roadway. A drainage corridor traverses the north side of the site and is maintained outside the perimeter wall of the facility.

There are two (2) gates to the facility from 78th Street. They allow the property owners, caretakers and some employees to park within the walls of the facility. The gates are electric and shall be kept closed at all times. The exterior parking is only for summer camp drop off and volunteers. The parking is setback off of the actual dirt road so as to allow for safe pulling in and turning around without having to back into the street. No changes are proposed to the exterior parking and 78th Street frontage with this application.

The interior of the site is comprised of the main home in the center of the site with a pool to the north of the residence. The Property Owners live full-time on the site and are trained in handling of all the reptiles at the facility. The employee parking and a small building along the western perimeter fence take up a majority of the west operations of the facility. Other than the small building this area is open and used only for parking of PHS vehicles. The area along the north side of the property consists of outdoor pens for various small reptiles. The northeast corner of the site is an open pen for turtles and small shed buildings for heat in the winter months and shade in the summer months. In the center of the site, just northeast of the home, is a small U-shaped building for small reptiles and another pen for turtles.

The east side of the home is some smaller sheds and outdoor pens and a larger building. This building was built with permits in the County in the 1980's. This building has been improved and maintained over the years as the main teaching and training building on the Property. Within the building is air controlled environment housing several reptile species in cages/aquariums/etc. behind glass walls. The area where the reptiles are located is locked interior to the building. The building has two (2) entrances to the building on the west and south ends. These doors are locked when not in use. This building has a main seating area to teach/train approximately 20-25 people. This building is where everyone from elementary school aged children to city, county and state officials are trained in handling of the animals. A couple of sheds are located on the east property line back out of the way of the facility behind this building.

The southern end of the Property is the larger reptile outdoor holding pens, a garage building and walk-in refrigerator unit. The west end of the south side of the Property is a low wall holding pen for turtles. It is the first area a visitor sees when entering the Property from the main gate. There are some small sheds in this location for the turtles to use while battling the summer and winter elements. The center portion of the south side is the larger reptile outdoor pens and a ten foot high walkway used for observation purposes. The observational deck is not used by students or any member of the public. Within this enclosed area are filtered small pools for the reptiles and no standing untreated water. The observation deck is rarely used and is primarily for staff to observe the health of the reptiles. This area



is secured by two (2) layers of fencing and all pens are locked at all times. The southeast corner of the Property is a rear gate exit primarily to place trash in the dumpster which is located at the end of Antioch Way. Antioch Way is a dirt road and does not continue along the Property's south side to connect with 78th Street. The City's Solid Waste Department has worked closely with the Property owners on the placement of the dumpster. The dumpster is the only operations outside of the perimeter fence of the facility at the southeast side of the Property. A storage container is also located just inside the perimeter fence line in the southeast corner of the property. The southern perimeter fence is setback off the south Property line.

ZONING ORDINANCE REQUIREMENTS

The City's zoning ordinance outlines the criteria for granting conditional use permits ("CUP's"). The ordinance states that CUP's, may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted by this ordinance and only after the Planning Commission has made a recommendation and the City Council has found that the below conditions have been met.

That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

The Property has existed since the 1980's as a facility for storing and assisting the valley with reptile rescues and placement. The existing Property has grown over the years with the last expansion being approximately in 2011. For the past six (6) years, there have been no significant changes to the Property. The Property has minimal room to store any additional animals and is therefore not requesting any expansion as part of this CUP request. The request is to legitimize with a City conditional use permit a 'community buildings and recreational facility, not publically owned,' use. The use does not emit any noise, smoke, odor, vibration or illumination that would be materially detrimental to the public health, safety and welfare. The pools for the outdoor pens are all filtered and chlorinated so that there is no standing water on the site. Reptiles do not create the same waste as say a horse ranch, boarding or breeding facilities that are also allowed within this zoning district. In fact, the waste is minimal to not requiring any additional trash pick-up other than the regular City scheduled trash pick-up days. The education and training portion of the facility operates during the weekdays during the day. The lighting is on motion sensors which detect human movement. There are no lights positioned to impact surrounding property owners within the facility. Other than the traffic coming to and from the Property (addressed later in this narrative), there is no damage or nuisance arising from noise, smoke, odor, vibration or illumination. Dust impacts are analyzed with the traffic portion of this justification below.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.



As it relates to dust, there is dust that occurs from traffic on 78th Street and Antioch Way. Both roads are un-paved public roadways. With any traffic on dirt roads, dust is thereby kicked up. The request for the conditional use permit is not to increase traffic to the Property. The existing operations of the facility require a minor increase in traffic than your typical residential home or typical residential home with horse facilities. The traffic to the facility consists of the following characteristics:

- Property owners and caretakers
- Education: 1-2 busses a week to the Property. Like any other public street, school buses are allowed and pick up school children five days a week. The school buses that come to the facility typically pull down 78th Street, drop off children and their chaperones and the busses leave the area for a couple of hours. The buses return a couple of hours later, pick up the children and chaperones and leave the neighborhood. The request is to permit a couple of busses a week for the project. This is significantly less than a typical public street that allows school busses on the streets in the mornings and afternoons sometimes a minimum six (6) times a day if elementary, middle and high school students are served. A couple of busses during the day during a weekday will have minimal effects on dust and traffic for the area. The speed limit on 78th Street is 25 miles per hour. Most vehicles don't reach 20 mile per hour because of the wash crossings and narrow nature of the roadway.
- Summer camps. Nine (9) weeks of the summer, the PHS facility works with children of all ages with daily summer camps during the week. There are two (2) daily sessions of a maximum of twenty-five (25) students per session. The first session parents would drop their children off at 9am and pick up their children from 3pm in the afternoon with the second session dropping off at 10am and returning at 4pm to pick up. These staggered times are consistent with other conditional use permit
- Private scheduled appointments. All private appointments are set over the phone and visitors are instructed to come in as few of vehicles as possible. Most individual tours are only 1-2 vehicles. Individual private tours occur approximately 3-5 times per week.
- The remainder of the trips to the site is daily volunteers which range from 0-5 depending on the days. The remainder of the traffic is just the Property Owners and a caretaker when the Property Owners are not on Property.
- Special events. The Property Owners are allowed a maximum of six (6) special events per year. These events require City of Scottsdale special events permits and meet all of the City's special event requirements.

The traffic to the facility never blocks usage of 78th Street nor do any cars park along the sides of 78th Street, which is allowed as it is a public roadway. The Property Owners continually remind the volunteers, bus drivers, school coordinators and summer campers of the importance of not speeding and not parking along the street. There are four (4) other homes on the street, one at the corner of Dynamite and 78th Street, one directly west of the Property and two (2) homes directly south of the Property. 78th Street ends approximately fifty (50) feet south of the Property. There is no distance for any speeders to gain speed through the neighborhood between the Property and the stopped condition



at Dynamite Boulevard approximately 350 feet north of the Property. Other vehicles, such as the general public, city trash removal or the U.S. post office vehicles, are not within the control of the Property Owners.

The summer camps are limited to 25 attendees to insure parking is available for pick-up and drop off. There is adequate parking area for drop-off and pick-up along the front of the site, off of the roadway, with little to no impacts to 78th Street. There have been no corporate events at the facility in several years. The facility rarely uses Antioch Way, but may park volunteers back along the southeast corner of the Property for camps in order to allow ample parking for drop off and pick up times. Antioch Way dead ends at the southeast corner of the Property and these parked cars do not impact and adjacent driveways or functionality of the roadway.

The dust impact can be minimized with some type of dust palliative applied to 78th Street. The Property Owners have approached the City in the past on this issue to no avail. In order to ensure there are no detrimental impacts to the adjacent property owners, the Property Owners are willing to work with the City staff and neighbors regarding adding a dust palliative to the roadway to break down the dust caused by facility traffic. These types of surface improvements significantly improve air quality and minimizes dust from roadway use. If approved, the Property Owners would also apply the dust palliative to the parking area along 78th Street in order for the transition from roadway to Property parking area is treated with the same dust-proofing. This type of solution would significantly reduce the dust impacts of the Property.

As for the above mentioned traffic, this type of traffic has been utilizing 78th Street to the facility for years. The above described allowances will not be materially detrimental to the public health, safety or welfare of the nearby property owners. The conditional use permit process allows the City to enforce the types of visits to the facilities to those described in this narrative. This provides neighbors with assurances on when and what type of traffic to expect from the facility. This type of certainty on both sides allows for a better understanding of what is and what is not allowed, with regards to traffic, to future operations of PHS on the Property.

Finally, no member of the public is allowed to show up to the facility without an appointment. The address to the facility is not posted on the website. Once contact has been made to the PHS staff and the potential visitor has been vetted, the address is disclosed. The private tours will never be scheduled in the summer when camps are in session and when a school or government official training is occurring at the facility. The facility will remain a private 501 c 3 non-profit and not open to the public with any public hours.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

The property is zoned R1-70 ESL FO. Many of the surrounding properties also have the same zoning. Some smaller lots (R1-43 PRD ESL FO) are located further to west that were part of a rezoning and subdivision plat. The allowed uses in these zoning categories are as follows:



- Accessory buildings, swimming pools, home occupations and other accessory uses.
- Care home; subject to the certain criteria
- Charter schools
- Day care home
- Day care group home
- Dwelling units, single-family, including Vacation rental or Short-term rental; limited to one main dwelling unit per lot
- Guest house, as an accessory use subject to certain criteria
- Model homes
- Municipal uses (which could parks, City buildings, City water facilities, fire stations, etc.)
- Wireless communications facilities
- Private tennis courts (see DC Ranch near Copper Ridge school with lighted tennis courts)
- Public, elementary and high schools
- Temporary sales office buildings and buildings for uses incidental to construction work
- Churches and places of worship; subject to Development Review Board approval and compliance with the certain standards

In addition to the allowed uses listed above, the following conditional uses are permitted within the R1-70 zoning district, if their respective conditions are met:

- Cemetery (see Section 1.403 for criteria)
- Ham transmitting or receiving radio antennas in excess of seventy (70) feet
- Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, etc.
- Farms and ranches
- Golf course (except miniature golf course or commercial driving range)
- Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200
- Private colleges and universities having a regular curriculum, with their related services and activities
- Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the certain standards. Some of the criteria being requested of the PHS property is similar to the private school use including, but not limited to:
 - Minimum lot area (86,000) square feet minimum lot size. b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area
 - Outdoor speaker systems or bells are not allowed
 - All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit



- Screening: There shall be a minimum six-foot high wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts
- Potential van and bus drop-off area, parking, access driveways

As listed above, there are several allowed and conditional uses that are permitted on the Property and surrounding properties. As mentioned previously in this narrative, there are other businesses operating in the general area out of approximately two (2) acre lots including a jeep tour company, swim school and horse ranches, some with valid permits, some without. Each of the above uses has their own characteristics but overall they are all lumped into the uses within the R1-70 zoning district.

The use permit criteria states the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas. The common elements to the site relate to the following uses include:

- The single family home use
- Accessory buildings, swimming pools, home occupations and other accessory uses
- Public school uses
- Private school use and the similar land use criteria
- The ranch use

The herpetological use draws on many parallels with the five (5) uses listed above. The land use has the characteristics of the horse ranches in the area with outdoor animal pens, accessory buildings and fencing to secure the animals on the property. The education and training component has similar characteristics of the criteria for schools, both public and private. But unlike the horse ranches in the area, there is no nuisance for odors, flies and lighted outdoor training facilities. Also, unlike the private school facilities, the Property has a camp for approximately nine weeks and not throughout the school year. The school busses that come to the Property will be limited to per week and most likely never reach that goal. But like any other public street with homes, school buses are allowed on public streets. Therefore, the existing PHS facility does have characteristics that are reasonably compatible with the types of uses permitted in the surrounding areas.

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

There are no additional conditions for community buildings and recreational uses, not publically owned within the City zoning ordinance.

Additional Zoning Ordinance Requirements.

The Single-family Residential (R1-70) zoning district restricts accessory structures from being located within the required front yard setback. The front yard setback along 78th Street was finalized with the wall permit issued in 2007. There are no structures within the front yard along 78th Street. The front yard along Antioch Way has been removed along a majority of the Property frontage by the placement



of a NAOS tract that will be dedicated to comply with the ESL ordinance requirements. By creating this tract, the southern are of the Property becomes a side yard. The zoning ordinance also states that accessory buildings cannot exceed 30% of the rear yard. The rear yard on the Property has approximately 23% of accessory building square footage. The creation of the NAOS tract along Antioch Way removes the corral fence from a front yard condition. The wall/fence along 78th Street is setback the required 60 feet.

Environmentally Sensitive Lands (ESL)

The intent of the ESL is to protect renewable and non-renewable resources. Although the Property has expanded the areas for storage of reptiles, the Property Owners have preserved all of the mature vegetation on the property over the years. Other than the palm trees that date back to when the Property was in the County, there are mature native trees and cacti throughout the property. The use permit request will re-designate the natural area open space ("NAOS") that currently have improvements. The reptile enclosures do not affect the natural vegetation nor do they affect soils, air and or water quality. The large wash that traverses the Property is outside (northwest corner) the improvements within the perimeter fences. The smaller washes are allowed to enter the Property with no obstruction. The small water pools on the Property created for the larger reptiles are all on filters and chlorinated to minimize and flying pests. Unlike a horse ranch, the waste created by all reptiles is minimal and can be handled in the one waste dumpster on the Property. The septic system on the Property is fully functional.

Section 6.1071.2 allows for the City Council to approve NAOS areas within the Property, inside the perimeter fence/wall. With this CUP and the hardship exemption provisions within the ESL ordinance, the request is to allow the continued use of NAOS within the perimeter wall/fence. These areas were approved by the City staff when the wall permit in 2007 was approved. The re-designated NAOS areas will place more NAOS along the perimeter of the Property outside the walls/fences that what was originally approved in 2007, thereby providing more NAOS in conformance to the requirements of the ESL guidelines. The CUP intends to provide the required NAOS. Section 6.1071.4 requires perimeter fence setbacks. Again, via the hardship exemption provisions of the ESL ordinance, we respectfully request to keep the fences approved in the 2007 wall permit to remain in their respective locations. The side and rear property walls are appropriately placed along adjacent lot NAOS or the unimproved Antioch Way on the south side of the Property. Finally, the non-native trees on the Property will remain, but will be slowly removed as they age or become unsustainable within the Property.

Foothills Overlay

The F-O District provides a means to recognize and further preserve the rural desert character in the low density lands that are generally not within subdivisions to which the F-O District has been applied by defining additional standards that help to define the area's unique character. These standards are intended to result in minimum visual impact for buildings and other improvements and to further the related purposes of the Environmentally Sensitive Lands ESL District that relate to preservation of the



desert and blending the form of buildings into the desert environment. The Herpetological Society has existed at this location for several decades. Since the installation of the wall along 78th Street, the majority of the operations of the facility are screened by the single family home, a detached garage building and mature landscaping. Other than the sporadic parked cars outside the wall along 78th Street and cars parked within the wall, the property has no clear indications it is operating as the Phoenix Herpetological Society. Although the aerial shows many enclosures and structures on the Property, the views from a majority of the adjacent properties are screened by the fences/walls or mature native vegetation buffers. The Herpetological Society intends to continue its operations with no new buildings or structures on the Property. The natural buffers on the south, east and north sides allow for the internal site operations to be screened from view. This results in minimal visual impact for the buildings and other improvements per the purpose of the FO. Additionally, the native vegetation on the Property promotes the ESL District by preserving the desert and blending the form of buildings into the desert environment.

NEIGHBORHOOD OUTREACH

The Property sits off of Dynamite Boulevard within a large lot neighborhood. The home on the Property one was of the original homes in the area. The herpetological society has its origins since the mid-1980. The current Property Owners have lived on the Property since 1972 and have reached out to surrounding neighbors about the use. In fact, several neighbors have volunteered at the herpetological society over the years.

The pre-application for the conditional use permit originated in 2016. The Property Owners have been out knocking on doors since 2017 discussing their land use and the upcoming City process. Many of the letters from surrounding neighbors and signed petitions were the result of the Property Owners walking the neighborhood to discuss their land use.

Prior to submitting the conditional use permit application, an open house was held on June 18, 2018. There were approximately thirty five to forty (40) attendees. Our estimate per individual discussions and open comment, questions and answer period, there were approximately half of the attendees in favor of the use. The other half of the attendees were split into two (2) general groups, half with questions and concerns about the use and the other half expressing their opinions against the proposal. The folks who spoke against the proposal believe what the herpetological society is a positive effort, they just believe it belongs somewhere else. Our intention is to keep all who attended the open house and have reached out to the Property Owners and their representatives informed of the status of our application and the process. We will continue to meet with residents, provide private tours of the facility and educate anyone who seeks information on the facility throughout the course of the conditional use permit process.



SUMMARY

The request for the conditional use permit for a community building and recreational facility not publically owned is to maintain the current herpetological use. There is no request for expansion of the outdoor or indoor operations at the facility. The request identifies the type of operations at the facility and limits the traffic to the Property as described within. The site plan becomes a part of the City records to identify the where and what is located on the Property. The conditional use permit will allow the neighbors and the Property Owners to clearly understand the use on the Property and its allowances and limitations.

As described within, this use has been operating on the Property since the mid-1980. The last expansion (outdoor pens and walkway) was done in 2011. All of the immediate adjacent property owners have been aware of the use throughout the years. Only recently have the City and certain neighbors taken notice to the land use conducted on the Property. Our goal is to continue to operate the Phoenix Herpetological Society on the Property. The safety of the facility is outlined with this permit. The operations are outlined within this permit. The uses within the property do not create any noise, odor, vibration and lighting impacts to the surrounding properties. The walls, lush landscaping and setbacks provide adequate buffers to adjacent neighboring properties. The traffic to the Property is identified in this report so as to ensure surrounding property owners understand the operations of the facility and the limitations of the traffic to and from the facility on a daily and annual basis. We look forward to working with the City and the neighbors on a dust palliative for 78th Street to ensure traffic dust does not detrimentally impact the neighborhood. Having the operations controlled by the City's conditional use permit process enables all interested parties to know the requirements of operating this specific community buildings and recreational use not publically owned use on the Property. We look forward to working with the City on specific conditions for the proposed conditional use and respectfully request its approval.



June 3, 2019

Jesus Murillo
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85281

RE: 10-UP-2018 – Phoenix Herpetological Sanctuary Stipulation Response Letter

Dear Mr. Murillo:

The following is our responses to the stipulations regarding case number 10-UP-2018. This letter serves as an update to the conditional use permit approval to ensure we are meeting the time lines outlined in the specific stipulations. The responses below and the submittals made to the City of Scottsdale on June 3rd, 2019 serve as meeting those time lines. As for the fire safety stipulations, we met with the City Manager and Fire Chief on May 30, 2019 to outline the time line in which we will submit plans to meet the fire safety specific stipulations. We respectfully request a 30-45 day extension to meet those deadlines. Thank you for your consideration regarding this important matter.

GOVERNANCE

1. **APPLICABILITY AND PROCESS.** Conditional Use Permit project site plan shall meet City of Scottsdale: Zoning Ordinance, Design Standards and Policies Manual, Building Code, Fire Code, and all other applicable development requirements.

Response: So noted.

2. **APPLICABILITY AND PROCESS.** Conditional Use Permit project site plan is contingent on the approval of associated Hardship Exemption case, 3-HE-2018, Special Exception case, 1-SX-2018.

Response: Since the hardship and special exception cases were approved, minimal changes to the site plan internally are necessary. The application for the right-of-way (ROW) abandonment, plat to create a tract along the south property line and NAOS release and dedication documents will allow the final site plan to

3. **APPLICABILITY AND PROCESS.** Conditional Use Permit project site plan approval is contingent on the approval of future associated cases, yet to be submitted: abandonment case, final plat case, wash modification case. Site plan may also be required to be updated to meet any ordinance and policy requirements not identified in the above-mentioned cases, and any stipulations approved through future required cases.

Response: The ROW abandonment case, plat, wash modification and NAOS release and dedication documents are a part of the submittal dated June 3, 2019.

4. **CONFORMANCE TO DEVELOPMENT REQUIREMENTS.** The owner shall submit final plans for review and permit of all structures that meet the permitting process requirements. Final plans shall be submitted for review, and/or permitting, within ninety (90) days of the approval of the Conditional Use Permit. The owner shall bring all structures into code and ordinance compliance within ninety

**6-AB-2019
6/4/19**



(90) days of permit issuance. The site shall be updated to conform to the decision provided for all the applicable cases.

Response: By submitting on June 3, 2019, we are within the 90-day window of the March 5, 2019 City Council approval of the Conditional Use Permit.

5. CONFORMANCE TO THE 2015 FIRE/BUILDING CODE. Within ninety (90) days of the approval of the Conditional Use Permit, the Owner shall be required to submit building/fire permits on qualifying structures. Within ninety (90) days of the of the permit issuance the owner shall:
 - a. The installed fire sprinkler systems will be required to have off site third-party monitoring of all control valves and flow valves,
 - b. The Reptile building is required to have at least one swinging door as an exit door. Roll up doors are not allowed to be the only means of exiting a structure.
 - c. Fire extinguishers are required to be properly mounted and have visible yearly inspection tags from a third-party company, and
 - d. The use of extension cords for permanent wiring and the practice of "daisy chaining" power strips to each other is not permitted.

Response: The Herpetological Society contacted Southwest Integrated Solutions on March 15, 2019 after the approval of the conditional use permit. Since that date, the fire company and the Herpetological Society have been working on plan designs, logistics from the water line in the streets and other issues. A meeting with the City Manager and Fire Chief was held on May 30, 2019. At that meeting, it was understood that the Herpetological Society was working on meeting the fire safety stipulations 5 through 8. Please consider this letter an official request for a time extension in meeting stipulations 5 through 8. It is our intention to be submitting the plans necessary to meet these stipulations in approximately 30-45 days.

6. CONFORMANCE TO THE 2015 FIRE/BUILDING CODE. Within ninety (90) days of the permitting of the above-mentioned cases, the Owner shall be required to provide NFPA 13 compliant fire sprinkler systems are required to be installed in:
 - a. The Reptile building at the front of the property.
 - b. The Venomous snake building to the rear of the property including the attached north portion used for storage and animal housing during cold months.

Response: See response to stipulation #5 above.

7. CONFORMANCE TO THE 2015 FIRE/BUILDING CODE. Within ninety (90) days of the of the approval of the Conditional Use Permit, the owner shall submit building/fire construction drawings that demonstrate minimum building and fire code compliance for Architectural building plans Fire sprinkler plans, Fire alarm(s) plans, access control plans. All plans shall be provided and sealed by a professional registrant. Within ninety (90) days of permit issuance, the owner shall improve the structures to meet minimum building and fire code compliance.

Response: See response to stipulation #5 above.

8. ADDITIONAL REQUIREMENTS OF THE 2015 FIRE CODE - ACCESS. Within one-hundred and twenty (120) days of the approval of the Conditional Use Permit, the Owner shall be required to provide plans to meet all required fire-access requirements. Within one-hundred and eighty (180) days (90)



days of the permit issuance, the owner shall implement those items identified in the fire access plans, and shall:

- a. Demonstrate Hydrant spacing, existing and proposed (Fire Ordinance 4283, 507.5.1.2),
- b. Provide "key switch/pre-emption sensor" required for commercial/Multi-family/Gated communities (Fire Ordinance 4283, 503.6.).

Response: See response to stipulation #5.

SITE DESIGN

9. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan submitted by Graham Surveying and Engineering, Inc. and with the city staff date of 11-01-2018, attached as Exhibit A to Attachment 2. Within two-hundred and forty (240) days of the approval of the Conditional Use Permit, the development Conceptual site plan shall be updated to conform to the decision provided from all the applicable/associated cases. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.

Response: So noted.

10. CONFORMANCE TO CONCEPTUAL NATURAL AREA OPEN SPACE (NAOS) PLAN. Development shall conform with the conceptual NAOS plan submitted by Graham Surveying and Engineering, Inc. and with the city staff date of 11-01-2018, attached as Exhibit B to Attachment 2. Within ninety (90) days of the of the approval of the Conditional Use Permit, the applicant shall submit to the One-Stop-Shop a NAOS Enhancement application, and a revegetation plan, for review and approval of NAOS revegetation areas. Within two-hundred and forty days (240), the owner shall revegetate the dedicated NAOS areas to a natural state, as per ordinance. Any proposed significant change to the conceptual Natural Area Open Space plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.

Response: A revised NAOS plan was submitted on June 3, 2019. A map of release and dedication will be included with this submittal. The NAOS plan is predicated on the approval of the ROW abandonment application.

11. CONFORMANCE TO CONCEPTUAL PARKING AND REFUSE PLAN. Development shall conform with the conceptual Parking and Refuse plan submitted by Graham Surveying and Engineering, Inc. and with the city staff date of 11-01-2018, attached as Exhibit C to Attachment 2. Within ninety (90) days of the of the approval of the Conditional Use Permit, the development Parking and Refuse plan shall be updated to conform to the decision provided for all the applicable/associated cases. Within two-hundred and forty days (240), the owner shall implement the improvements identified in the parking and refuse plan. Any proposed significant change to the conceptual Parking and Refuse plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.

Response: A revised parking and refuse plan was submitted on June 3, 2019. Included was floor plan and floor plan worksheet to correspond to the required parking.

12. CONFORMANCE TO CONCEPTUAL FLOOR PLAN AND FLOOR PLAN WORKSHEET PLAN. Development shall conform with the conceptual Floor Plan and Floor Plan Worksheet plan submitted by Graham Surveying and Engineering, Inc. and with the city staff date of 11-01-2018, attached as Exhibit D to



Attachment 2. Within one-hundred and twenty (120) days of the of the approval of the Conditional Use Permit, the development Floor Plan and Floor Plan Worksheet plan shall be updated to conform to the decision provided for all the applicable/associated cases. Within two-hundred and forty days (240), the owner shall implement the improvements identified in Floor Plan and Floor Plan worksheet. Any proposed significant change to the conceptual Floor Plan and Floor Plan worksheet as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.

Respond: A floor plan and floor plan worksheet was submitted on June 3, 2019.

13. CONFORMANCE TO CONCEPTUAL VEHICULAR AND CIRCULATION PLAN. Development shall conform with the conceptual Vehicular and Circulation plan submitted by Graham Surveying and Engineering, Inc. and with the city staff date of 11-01-2018, attached as Exhibit E to Attachment 2. Within one-hundred and twenty (120) days of the of the approval of the Conditional Use Permit, the development Vehicular and Circulation plan shall be submitted for final plan review and show to to conform to the decision provided for all the applicable/associated cases. Within two-hundred and forty days (240), the owner shall implement the improvements identified in the Vehicular and Circulation plan. Any proposed significant change to the Vehicular and Circulation plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.

Response: A Vehicular and Circulation plan was submitted on June 3, 2019.

14. BUILDING HEIGHT LIMITATIONS. No building on the site shall exceed 24 feet in height, measured as provided in the applicable section of the Zoning Ordinance.

Response: So noted.

15. ALTERATIONS TO NATURAL WATERCOURSES. Any proposed/existing alteration to the natural state of watercourses with a peak flow rate of 50 cfs or greater, based on the 100 year – 2-hour rain event, shall be subject to Wash Modification application review.

Response: A wash modification application was submitted on June 3, 2019.

16. OUTDOOR LIGHTING. The maximum height of any outdoor lighting source shall be twelve (12) feet above the adjacent finished grade.

Response: So noted.

17. OUTDOOR LIGHTING: The maximum height of any outdoor lighting source shall be twelve (12) feet above the adjacent finished grade, except for recreation uses, which shall comply with the outdoor lighting standards of the Scottsdale Zoning Ordinance.

Response: So noted.

INFRASTRUCTURE AND DEDICATIONS

18. CIRCULATION IMPROVEMENTS. Within ninety (90) days of the of the approval of the Conditional Use Permit, the owner shall provide a dust proof parking surface in the parking lot and N. 78th Street between E. Antioch and E Dynamite Boulevard (to be applied on a quarterly schedule).

Response: The numerous spring rain events have kept the dust down on 78th Street. The Herpetological Society is in the process of applying an acceptable dust palliative. They are working with Earthcare Consultants LLC, which is a firm recommended by the City's Street



Operations Department and works with other CUP's in Scottsdale for similar dust control requirements.

19. CIRCULATION IMPROVEMENTS. Within ninety (90) days of the of the approval of the Conditional Use Permit, the owner shall clear the trees, brush, bushes, objects from the E. Antioch Way, right-of-way, located along the southern boundary of the site.

Response: Antioch Way has been cleared of any debris. Since there is an abandonment request in front of Antioch Way along the property's south boundary, there will be no removal of trees, bushes, etc.

20. CIRCULATION IMPROVEMENTS. Within ninety (90) days of the approval of the Conditional Use Permit, the owner shall relocate the refuse container to be on the property; not to be located within right-of-way. Refuse enclosure must be per COS Standard Detail 2146-1 with enclosure walls and concrete apron.

Response: The refuse container will be moved within the fence line of the southeast corner of the property as discussed throughout the CUP process.

21. CIRCULATION IMPROVEMENTS. Within one-hundred and eighty (180) days of the of the approval of the Conditional Use Permit, the owner shall provide ADA circulation, such as:

- a. Provide the location of the accessible parking, and show conformance with DSPM Section 2-1.305 and 12-1.206,
- b. Provide and identify the accessible route to the facility.

Response: A Vehicular and Circulation plan was submitted on June 3, 2019.

22. CIRCULATION IMPROVEMENTS. Within ninety (120) days of the of the approval of the Conditional Use Permit, the owner shall identify conformance for all bus transportation and loading requirements as per DSPM Section 12-1.207. All bus loading areas shall comply with Section 209 and 503 of the ADA Standards.

Response: The Vehicular and Circulation plan submitted on June 3, 2019 depicts the bus drop-off area for students. Any students with a disability will be made a special accommodation by the Herpetological Society to ensure safe access in compliance with ADA standards.

23. STORMWATER VIOLATION AT NORTHWEST CORNER OF PROPERTY. The development parcel includes an unpermitted regrading and improvement of the formerly natural wash located at the northwest corner of the site. Within ninety (90) days of the of the approval of the Conditional Use Permit, the owner will need to submit information as needed to illustrate compliance of the improvements with stormwater regulations. The information will include a final grading and drainage plan that shows pre-existing grades and currently existing grades and improvements along with a final drainage report and hydraulic analysis in support of the proposed improvements. Depending on the results of the analysis, remedial measures to the existing improvements and grading to illustrate compliance with stormwater regulations may be required. The stormwater violation will need to be rectified within 180 days of the approval of the conditional use permit or prior to the issuance of permits on the site.

Response: A grading and drainage plan and drainage report was submitted on June 3, 2019.



24. WASH MODIFICATION. Within ninety (90) days of the of the approval of the Conditional Use Permit, the owner will need to submit a wash modification application for the wash located at the northwest corner of the site which is the subject of the stormwater violation. This wash has an approximate 100-year flow rate of 125 cubic feet per second.

Response: A wash modification request was submitted on June 3, 2019.

25. PRELIMINARY DRAINAGE REPORT AND PRELIMINARY GRADING AND DRAINAGE PLAN. The applicant did not provide the required preliminary drainage report and preliminary grading and drainage plan for City review as part of the case submittals for the conditional use permit. As part of final plans the applicant shall provide a final drainage report prepared and sealed by a registered civil engineer that complies with Sec. 4-1.501 part B, and Appendix 4-1A Minimum standards for drainage reports as contained in the DSPM. The project will also need to provide a final grading and drainage plan that complies with the requirements contained in the DSPM. In the required drainage report, the applicant shall address the items listed below. This listing below shall not be considered a comprehensive listing of drainage requirements affecting the development. The final grading and drainage plan will be used in conjunction with the final drainage report to evaluate the project and evaluate and illustrate project compliance with stormwater regulations:

- a. Determine off-site 100-year flows affecting the development site and how they will be safely conveyed through the site from their point of historical entry to their point of historical exit. The final results of the Pinnacle Peak West Area Drainage Master Study may be used in this case for off-site hydrologic analysis subject to city requirements or the applicant may provide his own analysis. The applicant will need to illustrate how this is accomplished without adversely affecting adjacent properties.
- b. Determine and evaluate the safety of floor elevations for unpermitted habitable structures based on on-site and off-site flows.
- c. Provide an analysis of increases in stormwater runoff from the proposed development and provide stormwater storage facilities to mitigate increases if warranted based on the evaluation. If stormwater storage facilities are required, a detailed hydraulic analysis will be required as provided in the DSPM.
- d. Illustrate how the City's first flush stormwater quality requirements are being addressed.
- e. Provide information and an analysis of the on-site stormwater conveyance system for the development.

Response: A drainage report was submitted on June 3, 2019.

26. BASIS OF DESIGN REPORT (WATER and WASTEWATER). Within ninety (90) days of the of the approval of the Conditional Use Permit, the owner shall submit Water and Sewer Basis of Design Reports for review and acceptance by City of Scottsdale Water Resources Department prior to the submittal of improvement plans. The Water Basis of Design report shall be in conformance with Design Standards and Policies Manual's Sections 6-1.200, 6-1.201 & 6-1.202. In the required reports, the owner shall address:

- a. The proposed site plan identifies the Phoenix Herpetological Society as not being only a single-family residential use. Based on the site plan, the site qualifies as a "commercial" property. Water usage data (10,000+ gpd avg/day; 48.6+ gpm peak hour) shows and confirms that the current ¾" water meter is undersized as outlined in DSPM Section 6-1.416 (Figure 6-1.4).



Commercial uses require reduced pressure backflow prevention devices next to the meter in accordance with DSPM Section 6-1.417.

- b. As per the proposed site plan, a dedicated fire line (NFPA) will be required. The owner shall coordinate with fire department on the fire line size, fire flow requirements, and required Code sections.
- c. Prior to the issuance of any permit, the redlined preliminary water and wastewater reports must be corrected technically and include a conceptual layout of the proposed infrastructure. Include a comparative demand analysis of the existing land use to the proposed land use and that impact on the adjacent water/sewer infrastructure.
- d. Final water and sewer basis of design reports must be accepted by Water Resources prior to the issuance of any building permit by the One-Stop Shop (DSPM Sec. 6-1.200 and 7-1.200).
- e. All onsite sewer works to be privately owned, operated and maintained compliant with AZ Administrative Code Title 18, Chapter 9.
- f. Engineer to verify the needed fire flow demand with the Scottsdale Fire Department.
- g. Within 90 days of approval of the Conditional Use Permit, the owner shall demonstrate septic system sizing and location meet all County Commercial requirements with County approval number.

Response: All of the above water stipulations will be addressed in the fire sprinkler plans and reports as part of the requirements for meeting fire safety and sprinkler stipulations.

27. EASEMENTS.

- a. **EASEMENTS CONVEYED BY SEPARATE INSTRUMENT.** Before any building permit is issued for the site, each easement conveyed to the city separate from a final plat shall be conveyed by an instrument or map of dedication subject to city staff approval, and accompanied by a title policy in favor of the city, in conformance with the Design Standards and Policies Manual.

Response: So noted.

- 28. CONSTRUCTION COMPLETED.** Before any building permit/Certificate of Occupancy is issued for the site, the owner shall complete all the infrastructure and improvements required by the Scottsdale Revised Code and these stipulations, in conformance with the Design Standards and Policies Manual and other applicable standards.

Response: So noted.

If you have any questions regarding these responses, please do not hesitate to contact me at (602) 452-2729, or by email at kajones@tblaw.com.

Sincerely,

Kurt Jones, AICP